

I hereby certify that this correspondence is being filed via
EFS-Web with the United States Patent and Trademark Office
on October 18, 2006

PATENT
Attorney Docket No.: 023070-079820US
Client Reference No.: 2000-493-1

TOWNSEND and TOWNSEND and CREW LLP

By: Shirley Barnes O'Brien

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Marilynn E. ETZLER et al.

Application No.: 09/657,631

Filed: September 6, 2000

For: LNP, A PROTEIN INVOLVED IN
THE INITIATION OF MYCORRHIZAL
INFECTION IN PLANTS

Customer No.: 20350

Confirmation No.:

Examiner:

Art Unit:

NOTIFICATION OF ERROR IN
SMALL ENTITY STATUS AND
PAYMENT OF DEFICIENCY OWED
UNDER 37 CFR §1.28(c)

October 11, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application filed on September 6, 2000, originally correctly claimed small entity status in good faith. However, it has recently been discovered that such status as a small entity changed on September 1, 2002, when assignee entered into a licensing agreement. Small entity status was continued in good faith when the issue fee was paid, but in error due to inadvertence and without deceptive intent. The following submission and itemization hereby meet the requirements of 37 C.F.R. Sections 1.28(c)(1) and (c)(2) and MPEP Section 509.03(X). Therefore, Applicant respectfully requests the total deficiency payment be processed as set out below and that the error be excused.

ITEMIZATION AND CALCULATION OF THE DEFICIENCY OWED

DATE FILED	TYPE OF FEE	SMALL FEE ACTUALLY PAID	(CURRENT) LARGE FEE APPLIED	DEFICIENCY PAYMENT OWED
12/15/04	Issue fee	\$700.00	\$1400.00	\$700.00


TOTAL DEFICIENCY OWED: \$700.00

Applicants hereby authorize the Commissioner to deduct the total fees of \$700.00 from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account. A duplicate of this sheet is enclosed.

Applicant understands that under 37 CFR §1.27(g)(2) and §1.28(d) this submission is treated as a notification of loss of small entity status.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415.576.0200.

Respectfully submitted,



Matthew E. Hinsch
Reg. No. 47,651

Customer No. 20350

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415 576-0300
MEH:sba